

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

William Taylor,) C/A No.: 6:17-2771-BHH
Plaintiff,)
vs.) ORDER AND OPINION
Sergeant Pinkney, K. Sligh, and Captain)
Bufford,)
Defendants.)

This matter is before the Court for review of the Report and Recommendation ("Report") of United States Magistrate Kevin F. McDonald made in accordance with 28 U.S.C. § 636(b) and Local Rule 73.02 for the District of South Carolina. On August 2, 2018, Magistrate Judge McDonald issued the Report recommending that Plaintiff's case be dismissed pursuant to Federal Rule of Civil Procedure 41(b) for lack of prosecution. Objections to the Report were due by August 20, 2018. Neither Plaintiff nor Defendants have filed any objections.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. See *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination of any portion of the Report to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter with instructions. See 28 U.S.C. § 636(b). In the absence of a timely filed objection, a district court need not conduct *de novo* review, but instead must "only satisfy itself that

there is no clear error on the face of the record in order to accept the recommendation.”
Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

Here, because no objections were filed, the Court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. Finding none, the Court **adopts the Report** (ECF No. 35), and it is

ORDERED that this action is dismissed *with prejudice* for lack of prosecution in accordance with Rule 41(b) of the Federal Rules of Civil Procedure. Defendants' motion for summary judgment (ECF No. 32) is rendered moot by this outcome, and the motion is accordingly denied as moot.

IT IS SO ORDERED.

/s/Bruce H. Hendricks
United States District Judge

August 24, 2018
Charleston, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified that any right to appeal this Order is governed by Rules 3 and 4 of the Federal Rules of Appellate Procedure.